

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
South Florida Water Management District)	File No. EB-FIELDSCR-12-00000649
Licensee of Radio Station WQBA527)	
Davie, FL)	NOV No. V201232600003
)	
)	

NOTICE OF VIOLATION

Released: February 17, 2012

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules¹ to South Florida Water Management District (SFWMD), licensee of Station WQBA527 in Davie, Florida.

2. On February 3, 2012, in response to a complaint by the Federal Aviation Administration (FAA) of interference to Fort Lauderdale-Hollywood International Airport’s (FLL) control tower frequency 128.4 MHz, agents from the Enforcement Bureau’s Miami Office used mobile direction finding techniques to locate the source of the signal on 128.4 MHz to a malfunctioning transmitter owned by SFWMD at Westport Business Park, College Ave., Davie, Florida. SFWMD is licensed under WQBA527 to operate at this site. The agents observed the following violations:
 - a. 47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference.” Agents determined that SFWMD’s data transmission signal on 169.4375 MHz generated spurious emissions on 128.4 MHz, causing interference to FLL’s control tower frequency.

 - b. 47 C.F.R. § 90.433(c): “The station licensee shall be responsible for the proper operation of the station at all times and is expected to provide observations, servicing and maintenance as often as may be necessary to ensure proper operation.” Agents determined that the installed power amplifier at the transmitter site was malfunctioning and emanating spurious emissions on 128.4 MHz and 41.04 MHz, causing interference to FLL’s control tower frequency on 128.4 MHz.

¹ 47 C.F.R. § 1.89.

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- c. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part.” Furthermore, 47 C.F.R. § 1.903(b) states: “The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization.” The agents determined that SFWMD’s system in Davie was operating on the frequencies 169.4375 MHz, 169.425 MHz and 169.4875 MHz. SFWMD was not authorized to operate on these frequencies at the Davie transmitter site.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission’s rules,³ SFWMD must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of SFWMD. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Miami Office
PO Box 520617
Miami, FL 33152-0617

4. This Notice shall be sent to SFWMD at its address of record.
5. The Privacy Act of 1974⁴ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁵

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ 47 C.F.R. § 1.89.

⁴ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵ 18 U.S.C. § 1001 *et seq.*